

**TOWN OF FREDERICK, COLORADO**  
**RESOLUTION NO. 10R\_\_**

**A RESOLUTION CONCERNING REVIEW OF A REQUEST FOR WAIVER FROM SECTION 2.16.2.d. (COMMUNITY DESIGN PRINCIPLES AND DEVELOPMENT STANDARDS-FENCES AND WALLS) OF THE FREDERICK LAND USE CODE, AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS IN FAVOR OF DENYING THE WAIVER REQUEST.**

**WHEREAS**, the Board of Trustees of the Town of Frederick, Colorado, on November 9, 2010, reviewed the application of Frederick West RV Storage, through Todd and Kristen Stanton, PO Box 936, Broomfield, CO 80038, for the waiver from the Frederick Land Use Code of the following real property, to wit:

A portion of **Lot 4, Block 4 Frederick West Business Ctr, Flg 3**, with an address of **7245 Johnson Drive, Frederick, CO 80504**.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1. Findings of Fact.** The following findings are made by the Board of Trustees of the Town of Frederick:

- a. The applicant's waiver application and supporting documents are in substantial compliance with *Article 3, Zoning* and *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- b. The waiver is not compatible with adjacent land uses and the requirements and standards established in *Article 2, Community Design Principals and Dev. Standards*, *Article 3, Zoning*, and *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- c. The waiver does not preserve the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.
- d. The waiver will likely substantially alter the essential character of the neighborhood or district in which the property is located, and/or diminish the value, use or enjoyment of adjacent property.
- e. The waiver is not the minimum variance that will afford relief and/or the least modification possible of the land use provision which is in question.
- f. The practical difficulties or unnecessary hardship of crime occurring on the property are not self-induced by the applicant.

**Section 2. Conclusions and Order Denying the Waiver request for Lot 4, Block 4 Frederick West Business Center Filing 3.**

- a. The following proposed waiver does not comply with the applicable portions of the *Frederick Land Use Code*: a waiver from the Frederick Land Use code Section 2.16 2.d. permitting the installation and use of barbed wire mounted atop the existing a six-foot tall solid fence, as the applicant has refused to accept amendment to the plan in accord with recommendations of the Planning Director regarding options to secure the subject property without undue negative effects on the use of neighboring properties.
- b. The requested waiver is hereby denied, pending reapplication by the property owner or subsequent assent to reasonable conditions to support waiver or variance from the subject land use provision, and subject to the sole discretion of the Board of Trustees following public hearing.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 9<sup>th</sup> DAY OF NOVEMBER, 2010.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

By \_\_\_\_\_  
Eric E. Doering, Mayor